

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESale PRICE)
LITIGATION)

MDL No. 1456
CIVIL ACTION 01-CV-12257-PBS
Magistrate Judge Bowler

THIS DOCUMENT RELATES TO)
ALL ACTIONS)

**STIPULATION AND PROPOSED ORDER RE: AVENTIS PHARMACEUTICALS
INC.'S MOTION FOR PROTECTIVE ORDER / PLAINTIFFS' CROSS-MOTION
TO CONDUCT MORE THAN TEN DEPOSITIONS**

Plaintiffs and defendant Aventis Pharmaceuticals Inc. ("Aventis"), by and through the undersigned counsel, respectfully present the following stipulation and request that the stipulation be entered as an order.

WHEREAS, on October 19, 2005, Aventis filed its Motion for Protective Order to enforce the ten deposition limit of Aventis pursuant to Fed. R. Civ. P. 30(a)(2)(A), Local Rule 26.1(C), and CMO 10.

WHEREAS, on November 2, 2005, plaintiffs filed Plaintiffs' Response to Aventis' Motion for Protective Order and Cross-Motion to Conduct More Than Ten Depositions;

WHEREAS, the parties have stipulated and agreed that the above referenced motions shall be resolved as follows;

THEREFORE, the parties stipulate and agree, that the plaintiffs may, without Aventis' objection, seek to exceed the ten deposition limit provided for in Local Rule 26.1(C) and Fed. R. Civ. P. 30(a)(2)(A), and respectfully request that this Court enter the parties' proposed order permitting plaintiffs to take depositions of the following former Aventis employees: Mark Alles, Randy Colvin, Joe Stich, Terry Lively, Marty Duvall, James Rossi, and (either Patricia Griffin or John DuPont) in excess of the ten deposition limit.

/s/ John Macoretta

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Attorneys for Defendant

Aventis Pharmaceuticals Inc.

Dated: December 1, 2005

[PROPOSED] ORDER

Based upon stipulation of the parties, IT IS HEREBY ORDERED THAT plaintiffs may exceed the ten deposition limit set forth in Local Rule 26.1(C) and Fed. R. Civ. P. 30(a)(2)(A) and take the depositions of the following former Aventis employees: Mark Alles, Randy Colvin, Joe Stich, Terry Lively, Marty Duvall, James Rossi, and (either Patricia Griffin or John DuPont).

Dated: _____

Patti B. Saris
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2005, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Michael DeMarco
Michael De Marco